

FILED
U.S. DISTRICT COURT

2009 JAN 15 A 9:14

UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

DISTRICT OF UTAH

BY: DEPUTY CLERK

RAMSDEN, INC., a Texas corporation,

Plaintiff,

v.

CMG MORTGAGE SERVICES, INC., a
California corporation, and GMAC BANK, a
Utah corporation,

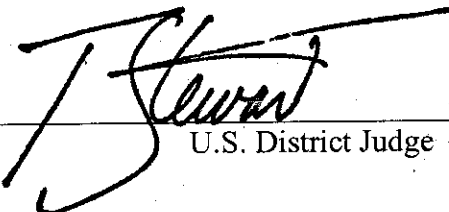
Defendants.

ORDER FOR PRO HAC VICE
ADMISSION FOR MARC
LORELLI

Case No.2:08-cv-00785-TS

It appearing to the Court that Petitioner meets the pro hac vice admission requirements of
DUCiv R 83-1.1(d), the motion for the admission pro hac vice of Marc Lorelli in the United
States District Court, District of Utah in the subject case is GRANTED.

Dated: this 15th day of January, 2009.


U.S. District Judge

UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

RAMSDEN, INC., a Texas corporation,

Plaintiff,

v.

CMG MORTGAGE SERVICES, INC., a
California corporation, and GMAC BANK, a
Utah corporation,

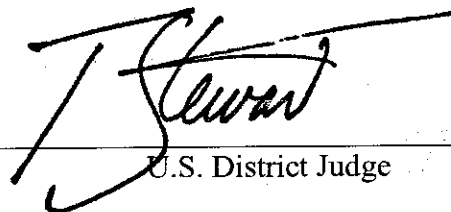
Defendants.

ORDER FOR PRO HAC VICE
ADMISSION FOR MATTHEW M.
JAKUBOWSKI

Case No.2:08-cv-00785-TS

It appearing to the Court that Petitioner meets the pro hac vice admission requirements of
DUCiv R 83-1.1(d), the motion for the admission pro hac vice of Matthew M. Jakubowski in the
United States District Court, District of Utah in the subject case is GRANTED.

Dated: this 15th day of January, 2009.



U.S. District Judge

UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

RAMSDEN, INC., a Texas corporation,

Plaintiff,

v.

CMG MORTGAGE SERVICES, INC., a
California corporation, and GMAC BANK, a
Utah corporation,

Defendants.

ORDER FOR PRO HAC VICE
ADMISSION FOR MARK A.
CANTOR

Case No.2:08-cv-00785-TS

It appearing to the Court that Petitioner meets the pro hac vice admission requirements of
DUCiv R 83-1.1(d), the motion for the admission pro hac vice of Mark A. Cantor in the United
States District Court, District of Utah in the subject case is GRANTED.

Dated: this 15th day of January, 2009.


U.S. District Judge

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

BRIAN GREER,
Plaintiff,

vs.

SAFEWAY, INC., STEVE BURD,
RICHARD LYDING, STEPHEN
ROBINSON, RICHARD FALCONE,
STATE OF CALIFORNIA, CARRIE
NEVANS, OAKLAND WORKERS
COMPENSATION APPEALS BOARD,
JOHN DOE CLERK OF THE WORKERS
COMPENSATION APPEALS BOARD,
JAMES ROBBINS, JOHN DEVINE, JOHN
DOE STATE OF CALIFORNIA
EMPLOYEES 1-50, and JOHN DOE
BACKGROUND CHECK COMPANIES 1-
50,

Defendants.

MEMORANDUM DECISION AND
ORDER DISMISSING PLAINTIFF'S
CASE

Case No. 2:08-CV-973 TS

Plaintiff Greer filed a Complaint in this matter on November 10, 2008,¹ along with a Motion for Court to Review Complaint and Note Lawful Causes of Action in an Order when Deciding Fee

¹Docket No. 3.

Waiver Application² and a Motion for Permanent Injunction, Hearing or Binding-Arbitration.³ Because the Court finds that Plaintiff's case is frivolous, Plaintiff's case will be dismissed.

I. BACKGROUND

The following are taken from Plaintiff's Complaint. Plaintiff David Greer is a resident of California. Defendant Safeway is a corporation doing business in California. Defendant Burd is the Chief Executive Officer of Safeway. Defendants Lyding, Robinson, and Falcone are attorneys employed by Defendant Safeway. Defendant Oakland Workers Compensation Appeals Board ("OWCAB") is a political subdivision of Defendant State of California. Defendants Nevans and Robbins are employees of OWCAB. Defendant Devine is an employee of Defendant State of California.

Plaintiff and Safeway are parties in a long-standing legal struggle over the employment of Plaintiff. Plaintiff, in that struggle, alleges that Safeway agreed to certain terms in a settlement agreement brokered by OWCAB, and that it breached those terms. Plaintiff alleges that OWCAB wrongfully disclosed to Safeway certain confidential information contained in claims filed by Plaintiff, and that Safeway wrongfully disclosed that information to various background check companies, which has made it difficult for Plaintiff to find employment. Plaintiff alleges that the State of California has failed to adequately regulate OWCAB, which resulted in OWCAB's disclosure of confidential information to Safeway, and to adequately regulate background check companies, which resulted in that confidential information being disseminated to employers in various states.

²Docket No. 5

³Docket No. 6

Plaintiff alleges that the background check companies are operating using unlawful means, specifically that they “operate by hidden, unverifiable, procedures,”⁴ and that such procedures are contrary to the Sarbanes-Oxley Act. Plaintiff also alleges that the disclosure by background check companies of confidential information violates various federal and state statutes and regulations. Plaintiff alleges that OWCAB, the State of California, and Safeway have colluded to unlawfully deny Plaintiff relief in California State Courts. Finally, Plaintiff alleges that all Defendants colluded to prevent Plaintiff from gaining employment.

II. DISCUSSION

Plaintiff Brian Greer is proceeding *pro se* and *in forma pauperis*. Because Plaintiff was granted permission to proceed *in forma pauperis*, the provisions of the *in forma pauperis* statute, 28 U.S.C. § 1915, are applicable. Under § 1915 the Court shall, at any time, *sua sponte* dismiss the case if the Court determines that the Complaint is frivolous or fails to state a claim upon which relief may be granted.⁵ A claim is frivolous if it “lacks an arguable basis either in law or in fact.”⁶

Greer asserts breach of contract claims against Defendant Safeway and related Defendants, as well as what are essentially claims under 42 U.S.C. § 1983 against Defendant State of California, the Oakland Workers Compensation Appeals Board, and related Defendants. However, Plaintiff does not provide sufficient grounds for personal jurisdiction over Defendants, and fails to establish that venue is proper in Utah.

⁴Docket No. 3 at 16.

⁵28 U.S.C. § 1915(e)(2).

⁶*Neitzke v. Williams*, 490 U.S. 319, 325 (1989).

In order to establish personal jurisdiction in Utah, Plaintiff must show that: (1) the Defendant's acts or contacts implicate Utah under the Utah long-arm statute; (2) a nexus exists between Plaintiff's claims and a Defendant's acts or contacts; and (3) application of the Utah long-arm statute satisfies the requirements of federal due process.⁷ Federal due process, in turn, requires that Plaintiff show that there exist minimum contacts between each Defendant and the State of Utah, and that exercise of personal jurisdiction over each Defendant does not offend traditional notions of fair play and substantial justice.⁸

In support of personal jurisdiction, Plaintiff states only that the background check companies operate in all 50 states, and that they disseminate information across state lines. Plaintiff also alleges that he has attempted to find employment outside of California. However, there are no allegations which would suggest that any of the named Defendants have purposefully availed themselves of the privilege of conducting activities in Utah, so there is no evidence to support the requisite minimum contacts with the State of Utah. Plaintiff alleges, in the broadest of terms, sufficient minimum contacts by the background check companies, but Plaintiff fails to identify a single such company.

In support of venue in the State of Utah, Plaintiff relies on the same argument regarding the business operations of the unnamed background check companies. Plaintiff does not allege that any defendants are residents of Utah or that "a substantial part of the events or omissions giving rise to the claim"⁹ occurred in Utah. Accordingly, the Court finds that Plaintiff has failed to meet the requirements for venue.

⁷*Pro Axess, Inc. v. Orlux Distribution, Inc.*, 428 F.3d 1270, 1276 (10th Cir. 2005).

⁸*Id.* at 1276-77.

⁹28 U.S.C. § 1391.

III. CONCLUSION

It is therefore

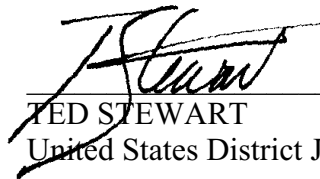
ORDERED that Plaintiff's claims against all Defendants are DISMISSED. It is further

ORDERED that Plaintiff's Motion for Court to Review Complaint and Note Lawful Causes of Action in an Order when Deciding Fee-Waiver (Docket No. 5) is DENIED as moot. It is further

ORDERED that Plaintiff's Motion for Permanent Injunction, Motion for Hearing, Motion for ADR - Arbitration (Docket No. 6) is DENIED as moot.

DATED January 15, 2009.

BY THE COURT:



TED STEWART
United States District Judge

RICHARD D. BURBIDGE (#0492)
JEFFERSON W. GROSS (#8339)
ANDREW J. DYMEK (#9277)
BURBIDGE MITCHELL & GROSS
Attorneys for Plaintiffs
215 South State Street, Suite 920
Salt Lake City, Utah 84111
(801) 355-6677

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

CHRISTOPHER DOUGLAS CHAPPLE)
and KATHARINE (KATIE) DENISE)
CHAPPLE as heirs of Gordon Douglas)
Chapple and Katharine Vaughan)
Chapple; CHRISTOPHER DOUGLAS)
CHAPPLE, individually; KATHARINE)
(KATIE) DENISE CHAPPLE,)
individually; THOMAS MICHAEL)
SCHRUPP, individually; ELIZABETH)
ANN FRIES, individually,)
)
Plaintiffs,)
)
v.)
)
CODY CLAPP dba CAPITOL REEF)
BACKCOUNTRY OUTFITTERS;)
ELIZABETH KLEIMAN; individually;)
and DOES 1 through 50, inclusive,)
)
Defendants.)

SCHEDULING ORDER

Civil No. 2:08cv00929
Magistrate Judge Paul M. Warner

Pursuant to Fed.R. Civ P. 16(b), the Magistrate Judge¹ received the Attorneys' Planning Report filed by counsel (docket #10). The following matters are scheduled. The times and deadlines set forth herein may not be modified without the approval of the Court and on a showing of good cause.

****ALL TIMES 4:30 PM UNLESS INDICATED****

1. PRELIMINARY MATTERS	<u>DATE</u>
-------------------------------	--------------------

Nature of claim(s) and any affirmative defenses:

Defendants, who were professional guides, were guiding the Plaintiffs on an excursion in the Egypt 3 slot canyon in Southern Utah when a storm flooded the canyon, washing two individuals to their death and injuring the remaining four individuals. Plaintiffs have alleged claims for wrongful death and personal injuries under theories of negligence, gross negligence and strict liability, together with a survival cause of action, and are seeking damages, including punitive damages.

Defendants deny liability to Plaintiffs and assert multiple affirmative defenses that fall into the following general categories: (1) assumption of risk by Plaintiffs; (2) comparative fault/contributory negligence; (3) statutory and constitutional bars; (4) laches, waiver and estoppel; (5) failure to plead with particularity and/or other failures in pleading; (6) actions of Defendants not the proximate cause of Plaintiffs' injuries; (7) Defendants' actions within the standard; and (8) punitive damages are barred under various theories.

- | | | |
|----|--|-----------------|
| a. | Was Rule 26(f)(1) Conference held? | <u>01/09/09</u> |
| b. | Has Attorney Planning Meeting Form been submitted? | <u>01/09/09</u> |
| c. | Was 26(a)(1) initial disclosure completed? | <u>01/30/09</u> |

2.	DISCOVERY LIMITATIONS	<u>NUMBER</u>
-----------	------------------------------	----------------------

- | | | |
|----|--|------------------|
| a. | Maximum Number of Depositions by Plaintiff(s) | <u>15</u> |
| b. | Maximum Number of Depositions by Defendant(s) | <u>15</u> |
| c. | Maximum Number of Hours for Each Deposition

(unless extended by agreement of parties) | <u>7</u> |
| d. | Maximum Interrogatories by any Party to any Party | <u>35</u> |
| e. | Maximum requests for admissions by any Party to any Party | <u>Unlimited</u> |
| f. | Maximum requests for production by any Party to any Party | <u>Unlimited</u> |

DATE

3.	AMENDMENT OF PLEADINGS/ADDING PARTIES²
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- | | | |
|----|--|-----------------|
| a. | Last Day to File Motion to Amend Pleadings | <u>02/13/09</u> |
| b. | Last Day to File Motion to Add Parties | <u>02/13/09</u> |

4.	RULE 26(a)(2) REPORTS FROM EXPERTS³
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- | | | |
|----|-----------------|-----------------|
| a. | Plaintiff | <u>07/30/09</u> |
| b. | Defendant | <u>07/30/09</u> |
| c. | Counter reports | <u>08/30/09</u> |

5. OTHER DEADLINES

- a. Discovery to be completed by:
 - Fact discovery 06/30/09
 - Expert discovery 10/30/09
- b. *(optional)* Final date for supplementation of disclosures and discovery under Rule 26 (e) 10/30/09
- c. Deadline for filing dispositive or potentially dispositive motions 11/30/09

6. SETTLEMENT/ ALTERNATIVE DISPUTE RESOLUTION

- a. Referral to Court-Annexed Mediation No
- b. Referral to Court-Annexed Arbitration No
- c. Evaluate case for Settlement/ADR on 00/00/00
- d. Settlement probability: Unknown.
- e. Mediation is not required, but may be scheduled by the parties at any time during this matter, including before or after the disposition of dispositive motions, if any.

7. TRIAL AND PREPARATION FOR TRIAL:

- a. Rule 26(a)(3) Pretrial Disclosures⁴
 - Plaintiff **03/05/10**
 - Defendant **03/19/10**
- b. Objections to Rule 26(a)(3) Disclosures
(if different than 14 days provided in Rule)

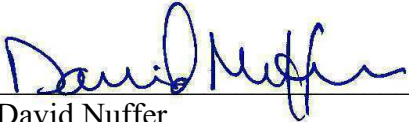
			<u>DATE</u>
c.	Special Attorney Conference ⁵ on or before		04/02/10
d.	Settlement Conference ⁶ on or before		04/02/10
e.	Final Pretrial Conference	2:30 p.m.	04/19/10
f.	Trial	<u>Length</u>	<u>Time</u> <u>Date</u>
	ii. Jury Trial	<u>7 days</u>	<u>8:30 a.m.</u> <u>05/03/10</u>

8. OTHER MATTERS:

Counsel should contact chambers staff of the District Judge regarding Daubert and Markman motions to determine the desired process for filing and hearing of such motions. All such motions, including Motions in Limine should be filed well in advance of the Final Pre Trial. Unless otherwise directed by the court, any challenge to the qualifications of an expert or the reliability of expert testimony under Daubert must be raised by written motion before the final pre-trial conference.

Dated this 14th day of January, 2010.

BY THE COURT:


 David Nuffer
 U.S. Magistrate Judge

1. The Magistrate Judge completed Initial Pretrial Scheduling under DUCivR 16-1(b) and DUCivR 72-2(a)(5). The name of the Magistrate Judge who completed this order should NOT appear on the caption of future pleadings, unless the case is separately referred to that Magistrate Judge. A separate order may refer this case to a Magistrate Judge under DUCivR 72-2 (b) and 28 USC 636 (b)(1)(A) or DUCivR 72-2 (c) and 28 USC 636 (b)(1)(B). The name of any Magistrate Judge to whom the matter is referred under DUCivR 72-2 (b) or (c) should appear on the caption as required under DUCivR10-1(a).
2. Counsel must still comply with the requirements of Fed. R. Civ. P. 15(a).
3. A party shall disclose the identity of each testifying expert and the subject of each such expert's testimony at least 60 days before the deadline for expert reports from that party. This disclosure shall be made even if the testifying expert is an employee from whom a report is not required.
4. Any demonstrative exhibits or animations must be disclosed and exchanged with the 26(a)(3) disclosures.
5. The Special Attorneys Conference does not involve the Court. Counsel will agree on voir dire questions, jury instructions, a pre-trial order and discuss the presentation of the case. Witnesses will be scheduled to avoid gaps and disruptions. Exhibits will be marked in a way that does not result in duplication of documents. Any special equipment or courtroom arrangement requirements will be included in the pre-trial order.
6. The Settlement Conference does not involve the Court unless a separate order is entered. Counsel must ensure that a person or representative with full settlement authority or otherwise authorized to make decisions regarding settlement is available in person or by telephone during the Settlement Conference.

Christopher J. Rogers (#10104)
MORTON | MILLARD, PLLC
136 South Main Street, Suite 400
Salt Lake City, Utah 84101
Phone 801-708-7000
Facsimile 801-401-7887
Attorney for Plaintiff

FILED
U.S. DISTRICT COURT

2009 JAN 14 P 2:48

DISTRICT COURT

BY: *ce*
CLERK

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

CENTER CAPITAL CORPORATION,

Plaintiff,

vs.

ARCHULETA TRUCKING, LLC,
TYLER D. ARCHULETA and,
DANIELLE L. ARCHULETA,

Defendants.

**ORDER
TO SHOW CAUSE**

Case No. 2:08cv00939

Honorable Bruce S. Jenkins

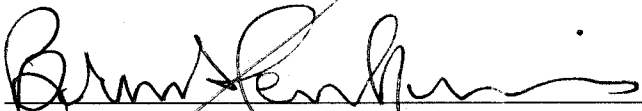
Based upon the Motion for Order to Show Cause and memorandum in support filed therewith, the Defendants ARCHULETA TRUCKING, LLC, ("Archuleta"), TYLER D. ARCHULETA ("Tyler") and DANIELLE L. ARCHULETA ("Danielle") are hereby ordered to appear in person on the **29th day of January, 2009, at 1:30 p.m.**, before the Honorable Judge Bruce S. Jenkins, at his courtroom located at United States District Court, District of Utah, 350 South Main Street, Room 421, Salt Lake City, UT 84101 and there to show cause as to why the Court should not enter the following orders:

1. To appear before this Court to explain why the equipment was not surrendered to CCC as ordered by this Court on December 22, 2008 [Docket No. 12].

2. Why the Defendants should not be held in contempt of Court for failure to abide by this Court Order of December 22, 2008 [Docket No. 12].
3. Why the Defendants should not be ordered to pay the Plaintiff's attorney's fees and costs incurred in this matter.
4. For such other and further relief as the Court deems appropriate.

DATED this 19 day of January, 2009.

BY THE COURT:



Honorable Judge Bruce S. Jenkins
U.S. District Court Judge

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that a true and correct copy of the foregoing has been served via first-class, U.S. mail, postage pre-paid on this _____ day of January, 2009, to the following:

Archuleta Trucking, LLC Registered Agent: Danielle L. Archuleta 5213 West Holder Drive West Valley City, Utah 84120 <i>Defendant</i>	Danielle L. Archuleta 5213 West Holder Drive West Valley City, Utah 84120 <i>Defendant</i>
Tyler D. Archuleta 5213 West Holder Drive West Valley City, Utah 84120 <i>Defendant</i>	

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,	:	Case No. 2:09-CR-4 TS
Plaintiff,	:	
vs.	:	ORDER SETTING DISPOSITION
	:	DATE AND EXCLUDING TIME
ANDRES SOLARZANO-OROSCO,	:	FROM SPEEDY TRIAL
	:	COMPUTATION
Defendant.	:	

This matter came before this Court on 1/15/09 for the purpose of an initial appearance and arraignment. The defendant, who was present, was represented by Viviana Ramirez . The United States was represented by Assistant United States Attorney Cy Castle. This defendant has been charged with Illegal Reentry of a Previously Removed Alien in violation of 8 U.S.C. § 1326.

The United States Attorney's Office for the District of Utah has indicated that this defendant meets the eligibility requirements for the "fast-track" benefit, namely, an additional reduction in his or her sentence. However, in order to derive the benefit of this reduction, the defendant must agree to certain conditions as set forth in the fast-track program.

This defendant did not, and is not required at this hearing, to enter a plea of guilty, nor is he/she required at this hearing to commit to enter a plea of guilty. However, the defendant, through counsel, has indicated that he/she wishes to preserve his/her opportunity to participate in the program, and has consented, in writing, to the initiation and disclosure to the Court and the parties of a pre-plea disposition report.

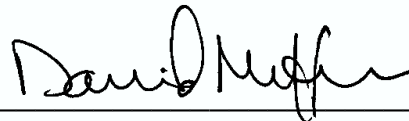
The defendant has requested that this Court set this matter for a status/change of plea hearing date approximately 55 days from the date of this initial appearance and arraignment. Counsel for the defendant has indicated that such will afford counsel the time necessary to meaningfully explain to the defendant the details of the fast-track program and its potential application to this case. Additionally, this time will provide the defendant an adequate opportunity to make an informed decision whether to participate in the program. Therefore, based upon the reasons set forth above, this Court ORDERS that this matter be scheduled for 3/5/09 at 2:00 p.m. before Judge Ted Stewart.

This Court finds, pursuant to 18 U.S.C. § 3161(h)(1)(I), that this period of delay is a result of the necessary consideration by the Court and parties of this proposed plea agreement. Additionally, this Court finds, pursuant to 18 U.S.C. § 3161(h)(8)(A), that the ends of justice outweigh the best interest of the public and defendant in a speedy trial and that, pursuant to 18 U.S.C. § 3161(h)(8)(B)(iv), that the failure to grant such a continuance would deny counsel

for the defendant and the defendant the reasonable time necessary for effective preparation and for discussion and deliberation of the proposed plea agreement, taking into account the exercise of due diligence, and would therefore result in a miscarriage of justice. Based on the foregoing, IT IS HEREBY ORDERED that, pursuant to 18 U.S.C. § 3161(h), all time between 1/15/09 (the date of this appearance), and 3/5/09 (the date of the scheduled status hearing) is excluded from computing the time within which the trial of this matter must commence.

DATED this 15th day of January, 2009.

BY THE COURT:

A handwritten signature in black ink, appearing to read "David Nuffer", is written over a horizontal line.

David Nuffer
United States Magistrate Judge

**United States District Court
for the District of Utah**

Criminal Pretrial Instructions

The prosecution has an open file policy.

Issues as to witnesses do not exist in this matter, but defense counsel will make arrangements for subpoenas, if necessary, as early as possible to allow timely service.

Counsel must have all exhibits premarked by the clerk for the district judge before trial.

If negotiations are not completed for a plea by the plea deadline, the case will be tried.

In cases assigned to Judge Cassell, counsel are directed to meet and confer about the possibility of a plea, and before the deadline report to chambers whether the matter will proceed to trial.

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,	:	Case No. 2:09-CR-6 TS
Plaintiff,	:	
vs.	:	ORDER SETTING DISPOSITION
	:	DATE AND EXCLUDING TIME
ALEJANDRO MORALES-LOPEZ,	:	FROM SPEEDY TRIAL
	:	COMPUTATION
Defendant.	:	

This matter came before this Court on 1/15/09 for the purpose of an initial appearance and arraignment. The defendant, who was present, was represented by Carlos Garcia . The United States was represented by Assistant United States Attorney Cy Castle. This defendant has been charged with Illegal Reentry of a Previously Removed Alien in violation of 8 U.S.C. § 1326.

The United States Attorney's Office for the District of Utah has indicated that this defendant meets the eligibility requirements for the "fast-track" benefit, namely, an additional reduction in his or her sentence. However, in order to derive the benefit of this reduction, the defendant must agree to certain conditions as set forth in the fast-track program.

This defendant did not, and is not required at this hearing, to enter a plea of guilty, nor is he/she required at this hearing to commit to enter a plea of guilty. However, the defendant, through counsel, has indicated that he/she wishes to preserve his/her opportunity to participate in the program, and has consented, in writing, to the initiation and disclosure to the Court and the parties of a pre-plea disposition report.

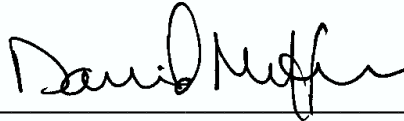
The defendant has requested that this Court set this matter for a status/change of plea hearing date approximately 55 days from the date of this initial appearance and arraignment. Counsel for the defendant has indicated that such will afford counsel the time necessary to meaningfully explain to the defendant the details of the fast-track program and its potential application to this case. Additionally, this time will provide the defendant an adequate opportunity to make an informed decision whether to participate in the program. Therefore, based upon the reasons set forth above, this Court ORDERS that this matter be scheduled for 3/4/09 at 3:00 p.m. before Judge Ted Stewart.

This Court finds, pursuant to 18 U.S.C. § 3161(h)(1)(I), that this period of delay is a result of the necessary consideration by the Court and parties of this proposed plea agreement. Additionally, this Court finds, pursuant to 18 U.S.C. § 3161(h)(8)(A), that the ends of justice outweigh the best interest of the public and defendant in a speedy trial and that, pursuant to 18 U.S.C. § 3161(h)(8)(B)(iv), that the failure to grant such a continuance would deny counsel

for the defendant and the defendant the reasonable time necessary for effective preparation and for discussion and deliberation of the proposed plea agreement, taking into account the exercise of due diligence, and would therefore result in a miscarriage of justice. Based on the foregoing, IT IS HEREBY ORDERED that, pursuant to 18 U.S.C. § 3161(h), all time between 1/15/09 (the date of this appearance), and 3/4/09 (the date of the scheduled status hearing) is excluded from computing the time within which the trial of this matter must commence.

DATED this 15th day of January, 2009.

BY THE COURT:

A handwritten signature in black ink, appearing to read "David Nuffer", is written over a horizontal line.

David Nuffer
United States Magistrate Judge

**United States District Court
for the District of Utah**

Criminal Pretrial Instructions

The prosecution has an open file policy.

Issues as to witnesses do not exist in this matter, but defense counsel will make arrangements for subpoenas, if necessary, as early as possible to allow timely service.

Counsel must have all exhibits premarked by the clerk for the district judge before trial.

If negotiations are not completed for a plea by the plea deadline, the case will be tried.

In cases assigned to Judge Cassell, counsel are directed to meet and confer about the possibility of a plea, and before the deadline report to chambers whether the matter will proceed to trial.

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ELDER SAMUEL ACOSTA-
VELASQUEZ,

Defendant.

: Case No. 2:09-CR-7 DB
:
: ORDER SETTING DISPOSITION
: DATE AND EXCLUDING TIME
: FROM SPEEDY TRIAL
: COMPUTATION
:

This matter came before this Court on 1/15/09 for the purpose of an initial appearance and arraignment. The defendant, who was present, was represented by Viviana Ramirez . The United States was represented by Assistant United States Attorney Cy Castle. This defendant has been charged with Illegal Reentry of a Previously Removed Alien in violation of 8 U.S.C. § 1326.

The United States Attorney's Office for the District of Utah has indicated that this defendant meets the eligibility requirements for the "fast-track" benefit, namely, an additional reduction in his or her sentence. However, in order to derive the benefit of this reduction, the defendant must agree to certain conditions as set forth in the fast-track program.

This defendant did not, and is not required at this hearing, to enter a plea of guilty, nor is he/she required at this hearing to commit to enter a plea of guilty. However, the defendant, through counsel, has indicated that he/she wishes to preserve his/her opportunity to participate in the program, and has consented, in writing, to the initiation and disclosure to the Court and the parties of a pre-plea disposition report.

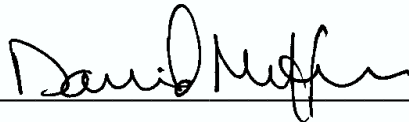
The defendant has requested that this Court set this matter for a status/change of plea hearing date approximately 55 days from the date of this initial appearance and arraignment. Counsel for the defendant has indicated that such will afford counsel the time necessary to meaningfully explain to the defendant the details of the fast-track program and its potential application to this case. Additionally, this time will provide the defendant an adequate opportunity to make an informed decision whether to participate in the program. Therefore, based upon the reasons set forth above, this Court ORDERS that this matter be scheduled for 2/4/09 at 2:30 p.m. before Judge Dee Benson.

This Court finds, pursuant to 18 U.S.C. § 3161(h)(1)(I), that this period of delay is a result of the necessary consideration by the Court and parties of this proposed plea agreement. Additionally, this Court finds, pursuant to 18 U.S.C. § 3161(h)(8)(A), that the ends of justice outweigh the best interest of the public and defendant in a speedy trial and that, pursuant to 18 U.S.C. § 3161(h)(8)(B)(iv), that the failure to grant such a continuance would deny counsel

for the defendant and the defendant the reasonable time necessary for effective preparation and for discussion and deliberation of the proposed plea agreement, taking into account the exercise of due diligence, and would therefore result in a miscarriage of justice. Based on the foregoing, IT IS HEREBY ORDERED that, pursuant to 18 U.S.C. § 3161(h), all time between 1/15/09 (the date of this appearance), and 2/4/09 (the date of the scheduled status hearing) is excluded from computing the time within which the trial of this matter must commence.

DATED this 15th day of January, 2009.

BY THE COURT:

A handwritten signature in black ink, appearing to read "David Nuffer", is written over a horizontal line.

David Nuffer
United States Magistrate Judge

**United States District Court
for the District of Utah**

Criminal Pretrial Instructions

The prosecution has an open file policy.

Issues as to witnesses do not exist in this matter, but defense counsel will make arrangements for subpoenas, if necessary, as early as possible to allow timely service.

Counsel must have all exhibits premarked by the clerk for the district judge before trial.

If negotiations are not completed for a plea by the plea deadline, the case will be tried.

In cases assigned to Judge Cassell, counsel are directed to meet and confer about the possibility of a plea, and before the deadline report to chambers whether the matter will proceed to trial.

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ELIO RAMON SERVELOON-
CARDONA,

Defendant.

: Case No. 2:09-CR-8 TS
:
: ORDER SETTING DISPOSITION
: DATE AND EXCLUDING TIME
: FROM SPEEDY TRIAL
: COMPUTATION
:

This matter came before this Court on 1/15/09 for the purpose of an initial appearance and arraignment. The defendant, who was present, was represented by Carlos Garcia . The United States was represented by Assistant United States Attorney Cy Castle. This defendant has been charged with Illegal Reentry of a Previously Removed Alien in violation of 8 U.S.C. § 1326.

The United States Attorney's Office for the District of Utah has indicated that this defendant meets the eligibility requirements for the "fast-track" benefit, namely, an additional reduction in his or her sentence. However, in order to derive the benefit of this reduction, the defendant must agree to certain conditions as set forth in the fast-track program.

This defendant did not, and is not required at this hearing, to enter a plea of guilty, nor is he/she required at this hearing to commit to enter a plea of guilty. However, the defendant, through counsel, has indicated that he/she wishes to preserve his/her opportunity to participate in the program, and has consented, in writing, to the initiation and disclosure to the Court and the parties of a pre-plea disposition report.

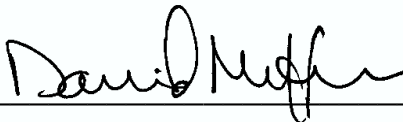
The defendant has requested that this Court set this matter for a status/change of plea hearing date approximately 55 days from the date of this initial appearance and arraignment. Counsel for the defendant has indicated that such will afford counsel the time necessary to meaningfully explain to the defendant the details of the fast-track program and its potential application to this case. Additionally, this time will provide the defendant an adequate opportunity to make an informed decision whether to participate in the program. Therefore, based upon the reasons set forth above, this Court ORDERS that this matter be scheduled for 3/4/09 at 3:30 p.m. before Judge Ted Stewart.

This Court finds, pursuant to 18 U.S.C. § 3161(h)(1)(I), that this period of delay is a result of the necessary consideration by the Court and parties of this proposed plea agreement. Additionally, this Court finds, pursuant to 18 U.S.C. § 3161(h)(8)(A), that the ends of justice outweigh the best interest of the public and defendant in a speedy trial and that, pursuant to 18 U.S.C. § 3161(h)(8)(B)(iv), that the failure to grant such a continuance would deny counsel

for the defendant and the defendant the reasonable time necessary for effective preparation and for discussion and deliberation of the proposed plea agreement, taking into account the exercise of due diligence, and would therefore result in a miscarriage of justice. Based on the foregoing, IT IS HEREBY ORDERED that, pursuant to 18 U.S.C. § 3161(h), all time between 1/15/09 (the date of this appearance), and 3/4/09 (the date of the scheduled status hearing) is excluded from computing the time within which the trial of this matter must commence.

DATED this 15th day of January, 2009.

BY THE COURT:

A handwritten signature in black ink, appearing to read "David Nuffer", is written over a horizontal line.

David Nuffer
United States Magistrate Judge

**United States District Court
for the District of Utah**

Criminal Pretrial Instructions

The prosecution has an open file policy.

Issues as to witnesses do not exist in this matter, but defense counsel will make arrangements for subpoenas, if necessary, as early as possible to allow timely service.

Counsel must have all exhibits premarked by the clerk for the district judge before trial.

If negotiations are not completed for a plea by the plea deadline, the case will be tried.

In cases assigned to Judge Cassell, counsel are directed to meet and confer about the possibility of a plea, and before the deadline report to chambers whether the matter will proceed to trial.

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,	:	Case No. 2:09-CR-9 CW
Plaintiff,	:	
vs.	:	ORDER SETTING DISPOSITION
	:	DATE AND EXCLUDING TIME
OLVIN ZUNIGA-ACOSTA,	:	FROM SPEEDY TRIAL
	:	COMPUTATION
Defendant.	:	

This matter came before this Court on 1/15/09 for the purpose of an initial appearance and arraignment. The defendant, who was present, was represented by Kris Angelos . The United States was represented by Assistant United States Attorney Cy Castle. This defendant has been charged with Illegal Reentry of a Previously Removed Alien in violation of 8 U.S.C. § 1326.

The United States Attorney's Office for the District of Utah has indicated that this defendant meets the eligibility requirements for the "fast-track" benefit, namely, an additional reduction in his or her sentence. However, in order to derive the benefit of this reduction, the defendant must agree to certain conditions as set forth in the fast-track program.

This defendant did not, and is not required at this hearing, to enter a plea of guilty, nor is he/she required at this hearing to commit to enter a plea of guilty. However, the defendant, through counsel, has indicated that he/she wishes to preserve his/her opportunity to participate in the program, and has consented, in writing, to the initiation and disclosure to the Court and the parties of a pre-plea disposition report.

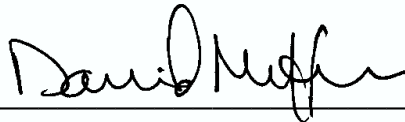
The defendant has requested that this Court set this matter for a status/change of plea hearing date approximately 55 days from the date of this initial appearance and arraignment. Counsel for the defendant has indicated that such will afford counsel the time necessary to meaningfully explain to the defendant the details of the fast-track program and its potential application to this case. Additionally, this time will provide the defendant an adequate opportunity to make an informed decision whether to participate in the program. Therefore, based upon the reasons set forth above, this Court ORDERS that this matter be scheduled for 3/4/09 at 3:00 p.m. before Judge Clark Waddoups.

This Court finds, pursuant to 18 U.S.C. § 3161(h)(1)(I), that this period of delay is a result of the necessary consideration by the Court and parties of this proposed plea agreement. Additionally, this Court finds, pursuant to 18 U.S.C. § 3161(h)(8)(A), that the ends of justice outweigh the best interest of the public and defendant in a speedy trial and that, pursuant to 18 U.S.C. § 3161(h)(8)(B)(iv), that the failure to grant such a continuance would deny counsel

for the defendant and the defendant the reasonable time necessary for effective preparation and for discussion and deliberation of the proposed plea agreement, taking into account the exercise of due diligence, and would therefore result in a miscarriage of justice. Based on the foregoing, IT IS HEREBY ORDERED that, pursuant to 18 U.S.C. § 3161(h), all time between 1/15/09 (the date of this appearance), and 3/4/09 (the date of the scheduled status hearing) is excluded from computing the time within which the trial of this matter must commence.

DATED this 15th day of January, 2009.

BY THE COURT:

A handwritten signature in black ink, appearing to read "David Nuffer", is written over a horizontal line.

David Nuffer
United States Magistrate Judge

**United States District Court
for the District of Utah**

Criminal Pretrial Instructions

The prosecution has an open file policy.

Issues as to witnesses do not exist in this matter, but defense counsel will make arrangements for subpoenas, if necessary, as early as possible to allow timely service.

Counsel must have all exhibits premarked by the clerk for the district judge before trial.

If negotiations are not completed for a plea by the plea deadline, the case will be tried.

In cases assigned to Judge Cassell, counsel are directed to meet and confer about the possibility of a plea, and before the deadline report to chambers whether the matter will proceed to trial.

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,	:	Case No. 2:09-CR-10 TC
Plaintiff,	:	
vs.	:	ORDER SETTING DISPOSITION
	:	DATE AND EXCLUDING TIME
WILMER ACOSTA-NAVARRO,	:	FROM SPEEDY TRIAL
	:	COMPUTATION
Defendant.	:	

This matter came before this Court on 1/15/09 for the purpose of an initial appearance and arraignment. The defendant, who was present, was represented by Carlos Garcia . The United States was represented by Assistant United States Attorney Cy Castle. This defendant has been charged with Illegal Reentry of a Previously Removed Alien in violation of 8 U.S.C. § 1326.

The United States Attorney's Office for the District of Utah has indicated that this defendant meets the eligibility requirements for the "fast-track" benefit, namely, an additional reduction in his or her sentence. However, in order to derive the benefit of this reduction, the defendant must agree to certain conditions as set forth in the fast-track program.

This defendant did not, and is not required at this hearing, to enter a plea of guilty, nor is he/she required at this hearing to commit to enter a plea of guilty. However, the defendant, through counsel, has indicated that he/she wishes to preserve his/her opportunity to participate in the program, and has consented, in writing, to the initiation and disclosure to the Court and the parties of a pre-plea disposition report.

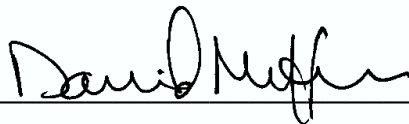
The defendant has requested that this Court set this matter for a status/change of plea hearing date approximately 55 days from the date of this initial appearance and arraignment. Counsel for the defendant has indicated that such will afford counsel the time necessary to meaningfully explain to the defendant the details of the fast-track program and its potential application to this case. Additionally, this time will provide the defendant an adequate opportunity to make an informed decision whether to participate in the program. Therefore, based upon the reasons set forth above, this Court ORDERS that this matter be scheduled for 3/4/09 at 2:00 p.m. before Judge Tena Campbell.

This Court finds, pursuant to 18 U.S.C. § 3161(h)(1)(I), that this period of delay is a result of the necessary consideration by the Court and parties of this proposed plea agreement. Additionally, this Court finds, pursuant to 18 U.S.C. § 3161(h)(8)(A), that the ends of justice outweigh the best interest of the public and defendant in a speedy trial and that, pursuant to 18 U.S.C. § 3161(h)(8)(B)(iv), that the failure to grant such a continuance would deny counsel

for the defendant and the defendant the reasonable time necessary for effective preparation and for discussion and deliberation of the proposed plea agreement, taking into account the exercise of due diligence, and would therefore result in a miscarriage of justice. Based on the foregoing, IT IS HEREBY ORDERED that, pursuant to 18 U.S.C. § 3161(h), all time between 1/15/09 (the date of this appearance), and 3/4/09 (the date of the scheduled status hearing) is excluded from computing the time within which the trial of this matter must commence.

DATED this 15th day of January, 2009.

BY THE COURT:

A handwritten signature in black ink, appearing to read "David Nuffer", is written over a horizontal line.

David Nuffer
United States Magistrate Judge

**United States District Court
for the District of Utah**

Criminal Pretrial Instructions

The prosecution has an open file policy.

Issues as to witnesses do not exist in this matter, but defense counsel will make arrangements for subpoenas, if necessary, as early as possible to allow timely service.

Counsel must have all exhibits premarked by the clerk for the district judge before trial.

If negotiations are not completed for a plea by the plea deadline, the case will be tried.

In cases assigned to Judge Cassell, counsel are directed to meet and confer about the possibility of a plea, and before the deadline report to chambers whether the matter will proceed to trial.

**United States District Court
for the District of Utah**

Criminal Pretrial Instructions

The prosecution has an open file policy.

Issues as to witnesses do not exist in this matter, but defense counsel will make arrangements for subpoenas, if necessary, as early as possible to allow timely service.

Counsel must have all exhibits premarked by the clerk for the district judge before trial.

If negotiations are not completed for a plea by the plea deadline, the case will be tried.

In cases assigned to Judge Cassell, counsel are directed to meet and confer about the possibility of a plea, and before the deadline report to chambers whether the matter will proceed to trial.

FILED
U.S. DISTRICT COURT

2009 JAN 14 P 1:34

DISTRICT OF UTAH

BY: _____
DEPUTY CLERK

Alison J. Okinaka
William B. McKean
Securities and Exchange Commission
15 South Temple, Suite 1800
Salt Lake City, Utah 84101

Elizabeth E. Krupa
Securities and Exchange Commission
1801 California Street, Suite 1500
Denver, Colorado 80202

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

Securities and Exchange Commission, :

Plaintiff, :

v. :

PanWorld Minerals International, Inc., :
Robert G. Weeks, Kenneth L. Weeks, :
David A. Hesterman, Larry Krasny, :
L.K. Management Inc., Joseph Fabiilli, :
Puritan Communications, Inc., :
Jerome Wenger, Randall Gilbert :
and Randall Gilbert, :

Defendants, :

and :

Rita Hilsenrath Wenger, and :
Canyon Corporation, :

Relief Defendants. :

ORDER DISMISSING
DEFENDANTS
PANWORLD MINERALS
INTERNATIONAL, INC.,
RITA HILSEN RATH
WENGER and
CANYON CORPORATION; and
CLAIMS FOR DISGORGEMENT
AND CIVIL PENALTIES
AGAINST DEFENDANTS
ROBERT G. WEEKS,
DAVID A. HESTERMAN,
JOSEPH FABIILLI, and
PURITAN COMMUNICATIONS, INC.

Case No. 2:97-cv-0425 TS

District Judge: Ted Stewart

This matter comes before the court on the Plaintiff's Motion for an order dismissing defendant PanWorld Minerals International, Inc.; Relief Defendants Rita Hilsenrath Wenger and Canyon Corporation; and the claims for disgorgement and civil penalties against Defendants Robert G. Weeks, David A. Hesterman, Joseph Fabiilli, and Puritan Communications, Inc. The court, having reviewed the Motion and being fully apprised in the premises

HEREBY ORDERS that defendant PanWorld Minerals International, Inc.; relief defendants Rita Hilsenrath Wenger and Canyon Corporation; and the claims for disgorgement and civil penalties against Defendants Robert G. Weeks, David A. Hesterman, Joseph Fabiilli, and Puritan Communications, Inc. are dismissed.

Dated: 1/14/09



U.S. District Judge Ted Stewart

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on December 12, 2009, a true and correct copy of the foregoing **PLAINTIFF'S MOTION FOR ENTRY OF DISMISSAL ORDER AS TO PANWORLD MINERALS INTERNATIONAL, RITA HILSEN RATH WENGER and CANYON CORPORATION and CLAIMS FOR DISGORGEMENT AND CIVIL PENALTIES AGAINST ROBERT G. WEEKS, DAVID A. HESTERMAN, JOSEPH FABIILLI, and PURITAN COMMUNICATIONS, INC.,** was filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following by email:

Vincent L. Verdiramo
Verdiramo & Verdiramo, P.A.
3163 Kennedy Blvd.
Jersey City, New Jersey 07306
(counsel for Jerome Wenger)

Robert H. Bretz
578 Washington Blvd. Suite 843
Marina Del Rey, California 90292
(counsel for Panworld, Robert Weeks,
David Hesterman, Larry Krasny,
L.K. Management, Joseph Fabiilli, Puritan
Communications, and Randall Gilbert)

Walter F. Budgen, Jr.
Tara L. Isaacson
Bugden & Isaacson, L.L.C.
445 E. 200 South, Suite 150
Salt Lake City, Utah 84111
(counsel for Ken Weeks)

Nathan Drage
4766 Holliday Blvd.
Salt Lake City, Utah 84117
(local counsel for above)

Bryon J. Benevento
Snell & Wilmer
15 W. South Temple, Suite 1200
Salt Lake City, Utah 84101
bbenevento@swlaw.com
(counsel for Rita Wenger)

Lisa Peterson
Parsons Kinghorn Harris
111 E. Broadway 11th Floor
Salt Lake City, Utah 84111
lrp@pkhlawyers.com
(counsel for Rita Wenger)

Stewart C. Walz
Assistant U.S. Attorney
Office of the U.S. Attorney
185 S. State Street, Suite 400
Salt Lake City, Utah 84111

and that on December 12, 2008 the foregoing was also sent to the following non-CM/ECF participants by U.S. mail:

Jerome M. Wenger
Inmate Reg. No. 07632-081
Coleman Low FCI
846 NE 54th Terrace
Coleman, FL 33521

/s/ Elizabeth E. Krupa
Elizabeth E. Krupa

IN THE UNITED STATES DISTRICT COURT 2009 JAN 14 P 1:33
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

DISTRICT OF UTAH

BY: _____
DEPUTY CLERK

Securities and Exchange
Commission,

Plaintiff,

Civil No. 2:97 CV-0425ST

v.

PanWorld Minerals International,
Inc., Robert G. Weeks, Joseph Fabiili,
Kenneth L. Weeks, David A. Hesterman
Larry Krasny, L.K. Management Inc.,
Puritan Communications, Inc., and
Jerome Wenger,

Defendants,

and

Rita Hilsenrath Wenger, and
Canyon Corporation,

Relief Defendants.

FINAL JUDGMENT OF PERMANENT INJUNCTION
AS TO DEFENDANT ROBERT G. WEEKS

Plaintiff Securities and Exchange Commission ("Commission"), having commenced this action by filing a Complaint alleging that defendant Robert G. Weeks ("R. Weeks") violated various provisions of the securities laws; the Complaint and summons having been duly served upon R. Weeks; a Consent subsequently having been filed in which R. Weeks, having waived his right to the entry of findings of fact and conclusions of law under Rule 52 of the Federal Rules of Civil Procedure, and, without admitting or denying the allegations made in the Complaint, except as to jurisdiction which is admitted, consented to entry without further notice of this Final Judgment of Permanent Injunction ("Final Judgment") enjoining him from engaging in transactions, acts, practices and courses of business which constitute or would constitute

violations of: Section 10(b) of the Securities Exchange Act of 1934 ("Exchange Act") and Rule 10b-5 thereunder [15 U.S.C. § 78j(b) and 17 C.F.R. 240.10b-5]; Section 17(a) of the Securities Act of 1933 ("Securities Act") [15 U.S.C. § 77q(a)]; Sections 5(a) and 5(c) of the Securities Act [15 U.S.C. §§ 77e(a) and 77e(c)]; and Sections 13(a) and 15(d) of the Exchange Act and Rules 13a-1, 13a-13, 15d-1, 15d-13, 12b-20 and 12b-25 [15 U.S.C. §§ 78m(a) and 78o(d) and 17 C.F.R. §§ 240.13a-1, 240.13a-13, 240.15d-1, 240.15d-13, 240.12b-20, 240.12b-25]; and ordering that he be permanently and unconditionally prohibited from acting as an officer or director of any issuer that has a class of securities registered pursuant to Section 12 of the Exchange Act or that is required to file reports pursuant to Section 15(d) of the Exchange Act pursuant to Exchange Act Section 21(d)(2) [15 U.S.C. § 78u(d)(3)] and Securities Act Section 20(e) [15 U.S.C. § 77t(e)]; and it appearing that this Court has jurisdiction over the parties and over the subject matter of this action, and the Court being fully advised in the premises; and there being no just cause for delay:

I.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that defendant R. Weeks, his agents, servants, employees, and all persons in active concert or participation with him who receive actual notice of this Final Judgment by personal service or otherwise, and each of them, be and they hereby are permanently restrained and enjoined from violating Section 17(a) of the Securities Act, [15 U.S.C. § 77q(a)], by, directly or indirectly, in the offer or sale of any security, using any means or instruments of transportation or communication in interstate commerce, or using the mails, to: (1) employ any device, scheme or artifice to defraud; (2) obtain money or property by means of any untrue statement of material fact or any omission to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; or (3) engage in any transaction, practice or course of business which operates or would operate as a fraud or deceit upon a purchaser.

II.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that defendant R. Weeks, his agents, servants, employees, and all persons in active concert or participation with him who receive actual notice of this Final Judgment by personal service or otherwise, and each of them, be and they hereby are permanently restrained and enjoined from violating Section 10(b) of the Exchange Act and Rule 10b-5 promulgated thereunder, [15 U.S.C. §78j(b) and Rule 17 C.F.R. § 240.10b-5], in connection with the purchase or sale of any security, directly or indirectly, by using any means or instrumentality of interstate commerce, or of the mails, or of any facility of a national securities exchange, to: (1) employ any device, scheme or artifice to defraud; (2) make any untrue statement of a material fact or omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; or (3) engage in any act, practice or course of business which operates or would operate as a fraud or deceit upon any person.

III.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that R. Weeks and his agents, servants, employees, and all persons acting in concert with his are enjoined and restrained from, directly or indirectly: (a) making use of any means or instruments of interstate commerce, or of the mails, to sell through the use or medium of any prospectus or otherwise, any security whatsoever, unless and until a registration statement has been filed with the Commission; (b) carrying or causing to be carried through the mails or in interstate commerce by any means or instruments of transportation, any security of any issuer whatsoever, for purposes of sale or delivery after sale, unless and until a registration statement has been filed with the Commission; or (c) making use of any means or instruments of transportation or communication in interstate commerce or the mails to sell or offer to buy through the use or medium of any

prospectus or otherwise any security of any issuer whatsoever, unless a registration statement has been filed with the Commission; in violation of Sections 5(a) and 5(c) of the Securities Act of 1933 [15 U.S.C. §§ 77e(a) and 77e(c)], provided however, that nothing in the foregoing portion of this injunction shall apply to any security or transaction which is exempt from the provisions of Section 5 of the Securities Act.

IV.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that R. Weeks and his agents, servants, employees, and all persons acting in concert with his are enjoined and restrained from, directly or indirectly, aiding and abetting violations of Sections 13(a) and 15(d) of the Exchange Act and Rules 13a-1, 13a-13, 15d-1, 15d-13, 12b-20 and 12b-25 [15 U.S.C. §§ 78m(a) and 78o(d) and 17 C.F.R. §§ 240.13a-1, 240.13a-13, 240.15d-1, 240.15d-13, 240.12b-20 and 240.12b-25]

V.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED pursuant to Section 20(e) of the Securities Act [15 U.S.C. § 77t(e)] and Section 21(d)(2) of the Exchange Act [15 U.S.C. § 78u(d)(3)] that R. Weeks is unconditionally and permanently prohibiting from acting as an officer or director of any issuer that has a class of securities registered pursuant to Section 12 of the Exchange Act or that is required to file reports pursuant to Section 15(d) of the Exchange Act.

VI.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff's claims for disgorgement and civil penalties are dismissed with prejudice.

VII.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the annexed Consent of Defendant R. Weeks be, and the same hereby is, incorporated herein with the same force and effect as if fully set forth herein.

VIII.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this Court shall retain jurisdiction of this action for all purposes, including implementation and enforcement of this Final Judgment.

IX.

There being no just cause for delay, the Clerk of this Court is hereby directed, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, to enter this Final Judgment forthwith.

DATE

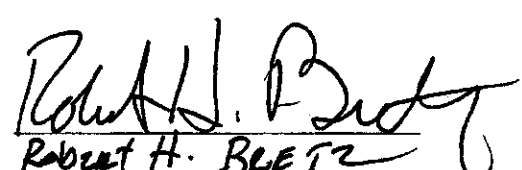
1/14/09


Ted Stewart
United States District Judge

Submitted by:

s/Elizabeth E. Krupa
Elizabeth E. Krupa
Counsel For Plaintiff
1801 California Street, Suite 1500
Denver, Colorado 80202
303/844-1036

Approved as to form:


Robert H. BLETZ
Counsel For Defendant Robert G. Weeks

IN THE UNITED STATES DISTRICT COURT U.S. DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

FILED
2009 JAN 14 P 1:33

Securities and Exchange
Commission,

Plaintiff,

v.

PanWorld Minerals International,
Inc., Robert G. Weeks, Joseph Fabilli,
Kenneth L. Weeks, David A. Hesterman
Larry Krasny, L.K. Management Inc.,
Puritan Communications, Inc., and
Jerome Wenger,

Defendants,

and

Rita Hilsenrath Wenger, and
Canyon Corporation,

Relief Defendants.

Civil No. 2:97 CV-0425ST

DISTRICT OF UTAH

BY: DEPUTY CLERK

FINAL JUDGMENT OF PERMANENT INJUNCTION
AS TO DEFENDANT DAVID A. HESTERMAN

Plaintiff Securities and Exchange Commission ("Commission"), having commenced this action by filing a Complaint alleging that defendant David A. Hesterman ("Hesterman") violated various provisions of the securities laws; the Complaint and summons having been duly served upon Hesterman; a Consent and Undertaking subsequently having been filed in which Hesterman, having waived his right to the entry of findings of fact and conclusions of law under Rule 52 of the Federal Rules of Civil Procedure, and, without admitting or denying the allegations made in the Complaint, except as to jurisdiction which is admitted, consented to entry without further notice of this Final Judgment of Permanent Injunction ("Final Judgment") enjoining him from engaging in transactions, acts, practices and courses of business which

constitute or would constitute violations of: Section 10(b) of the Securities Exchange Act of 1934 ("Exchange Act") and Rule 10b-5 thereunder [15 U.S.C. § 78j(b) and 17 C.F.R. 240.10b-5]; Section 17(a) of the Securities Act of 1933 ("Securities Act") [15 U.S.C. § 77q(a)]; Sections 5(a) and 5(c) of the Securities Act [15 U.S.C. §§ 77e(a) and 77e(c)]; and Sections 13(a) and 15(d) of the Exchange Act and Rules 13a-1, 13a-13, 15d-1, 15d-13, 12b-20 and 12b-25 [15 U.S.C. §§ 78m(a) and 78o(d) and 17 C.F.R. §§ 240.13a-1, 240.13a-13, 240.15d-1, 240.15d-13, 240.12b-20, 240.12b-25]; and ordering that he be permanently and unconditionally prohibited from acting as an officer or director of any issuer that has a class of securities registered pursuant to Section 12 of the Exchange Act or that is required to file reports pursuant to Section 15(d) of the Exchange Act pursuant to Exchange Act Section 21(d)(2) [15 U.S.C. § 78u(d)(3)] and Securities Act Section 20(e) [15 U.S.C. § 77t(e)]; and it appearing that this Court has jurisdiction over the parties and over the subject matter of this action, and the Court being fully advised in the premises; and there being no just cause for delay:

I.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that defendant Hesterman, his agents, servants, employees, and all persons in active concert or participation with his who receive actual notice of this Final Judgment by personal service or otherwise, and each of them, be and they hereby are permanently restrained and enjoined from violating Section 17(a) of the Securities Act, [15 U.S.C. 77q(a)], by, directly or indirectly, in the offer or sale of any security, using any means or instruments of transportation or communication in interstate commerce, or using the mails, to: (1) employ any device, scheme or artifice to defraud; (2) obtain money or property by means of any untrue statement of material fact or any omission to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; or (3) engage in any transaction, practice or course of business which operates or would operate as a fraud or deceit upon a purchaser.

II.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that defendant Hesterman, his agents, servants, employees, and all persons in active concert or participation with his who receive actual notice of this Final Judgment by personal service or otherwise, and each of them, be and they hereby are permanently restrained and enjoined from violating Section 10(b) of the Exchange Act and Rule 10b-5 promulgated thereunder, [15 U.S.C. 78j(b) and Rule 17 C.F.R. 240.10b-5], in connection with the purchase or sale of any security, directly or indirectly, by using any means or instrumentality of interstate commerce, or of the mails, or of any facility of a national securities exchange, to: (1) employ any device, scheme or artifice to defraud; (2) make any untrue statement of a material fact or omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; or (3) engage in any act, practice or course of business which operates or would operate as a fraud or deceit upon any person.

III.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Hesterman and his agents, servants, employees, and all persons acting in concert with his are enjoined and restrained from, directly or indirectly: (a) making use of any means or instruments of interstate commerce, or of the mails, to sell through the use or medium of any prospectus or otherwise, any security whatsoever, unless and until a registration statement has been filed with the Commission; (b) carrying or causing to be carried through the mails or in interstate commerce by any means or instruments of transportation, any security of any issuer whatsoever, for purposes of sale or delivery after sale, unless and until a registration statement has been filed with the Commission; or (c) making use of any means or instruments of transportation or communication in interstate commerce or the mails to sell or offer to buy through the use or medium of any

prospectus or otherwise any security of any issuer whatsoever, unless a registration statement has been filed with the Commission; in violation of Sections 5(a) and 5(c) of the Securities Act of 1933 [15 U.S.C. 77e(a) and 77e(c)], provided however, that nothing in the foregoing portion of this injunction shall apply to any security or transaction which is exempt from the provisions of Section 5 of the Securities Act.

IV.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Hesterman and his agents, servants, employees, and all persons acting in concert with his are enjoined and restrained from, directly or indirectly violating Sections 13(a) and 15(d) of the Exchange Act and Rules 13a-1, 13a-13, 15d-1, 15d-13, 12b-20 and 12b-25 [15 U.S.C. §§ 78m(a) and 78o(d) and 17 C.F.R. §§ 240.13a-1, 240.13a-13, 240.15d-1, 240.15d-13, 240.12b-20, 240.12b-25]

V.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED pursuant to Section 20(e) [15 U.S.C. § 77t(e)] of the Securities Act and Section 21(d)(2) [15 U.S.C. § 78u(d)(3)] of the Exchange Act that Hesterman is unconditionally and permanently prohibiting from acting as an officer or director of any issuer that has a class of securities registered pursuant to Section 12 of the Exchange Act or that is required to file reports pursuant to Section 15(d) of the Exchange Act.

VI.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff's claims for disgorgement and civil penalties are dismissed with prejudice.

VII.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the annexed Consent and Undertaking of Defendant Hesterman be, and the same hereby is, incorporated herein with the same force and effect as if fully set forth herein.

VIII.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this Court shall retain jurisdiction of this action for all purposes, including implementation and enforcement of this Final Judgment.

IX.

There being no just cause for delay, the Clerk of this Court is hereby directed, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, to enter this Final Judgment forthwith.

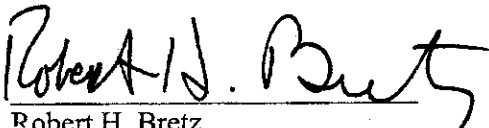
1/14/09
DATE


Ted Stewart
United States District Judge

Submitted by:

s/ Elizabeth E. Krupa
Elizabeth E. Krupa
Counsel For Plaintiff
1801 California Street, Suite 1500
Denver, Colorado 80202
303/844-1036

Approved as to form:


Robert H. Bretz
Counsel For Defendant David A. Hesterman

FILED
U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

2009 JAN 14 P 1:33

DISTRICT OF UTAH

BY: _____
DEPUTY CLERK

Securities and Exchange
Commission,

Plaintiff,

v.

PanWorld Minerals International,
Inc., Robert G. Weeks, Joseph Fabilli,
Kenneth L. Weeks, David A. Hesterman
Larry Krasny, L.K. Management Inc.,
Puritan Communications, Inc., and
Jerome Wenger,

Defendants,

and

Rita Hilsenrath Wenger, and
Canyon Corporation,

Relief Defendants.

Civil No. 2:97 CV-0425ST

FINAL JUDGMENT OF PERMANENT INJUNCTION
AS TO DEFENDANT JOSEPH FABILLI AND PURITAN COMMUNICATIONS, INC.

The Securities and Exchange Commission having filed a Complaint and Defendants Joseph Fabilli and Puritan Communications, Inc. ("Defendants") having entered a general appearance; consented to the Court's jurisdiction over Defendants and the subject matter of this action; consented to entry of this Final Judgment without admitting or denying the allegations of the Complaint (except as to jurisdiction); waived findings of fact and conclusions of law; and waived any right to appeal from this Final Judgment:

I.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendants and Defendants' agents, servants, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this Final Judgment by personal service or otherwise are permanently restrained and enjoined from violating, directly or indirectly, Section 10(b) of the Securities Exchange Act of 1934 (the "Exchange Act") [15 U.S.C. § 78j(b)] and Rule 10b-5 promulgated thereunder [17 C.F.R. § 240.10b-5], by using any means or instrumentality of interstate commerce, or of the mails, or of any facility of any national securities exchange, in connection with the purchase or sale of any security:

- (a) to employ any device, scheme, or artifice to defraud;
- (b) to make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; or
- (c) to engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person.

II.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendants and Defendants' agents, servants, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this Final Judgment by personal service or otherwise are permanently restrained and enjoined from violating Section 17(a) of the Securities Act of 1933 (the "Securities Act") [15 U.S.C. § 77q(a)] in the offer or sale of any security by the use of any means or instruments of transportation or communication in interstate commerce or by use of the mails, directly or indirectly:

- (a) to employ any device, scheme, or artifice to defraud;
- (b) to obtain money or property by means of any untrue statement of a material fact or any omission of a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading; or
- (c) to engage in any transaction, practice, or course of business which operates or would operate as a fraud or deceit upon the purchaser.

III.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendants and Defendants' agents, servants, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this Final Judgment by personal service or otherwise are permanently restrained and enjoined from violating Section 5 of the Securities Act [15 U.S.C. § 77e] by, directly or indirectly, in the absence of any applicable exemption:

- (a) Unless a registration statement is in effect as to a security, making use of any means or instruments of transportation or communication in interstate commerce or of the mails to sell such security through the use or medium of any prospectus or otherwise;
- (b) Unless a registration statement is in effect as to a security, carrying or causing to be carried through the mails or in interstate commerce, by any means or instruments of transportation, any such security for the purpose of sale or for delivery after sale; or

- (c) Making use of any means or instruments of transportation or communication in interstate commerce or of the mails to offer to sell or offer to buy through the use or medium of any prospectus or otherwise any security, unless a registration statement has been filed with the Commission as to such security, or while the registration statement is the subject of a refusal order or stop order or (prior to the effective date of the registration statement) any public proceeding or examination under Section 8 of the Securities Act [15 U.S.C. § 77h].

IV.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendants and Defendants' agents, servants, employees, and all persons acting in concert with them are enjoined and restrained from, directly or indirectly by use of the means or instruments of transportation or communication in interstate commerce or by use of the mails, directly or indirectly, published, gave publicity to, or circulated communications, which, though not purporting to offer a security for sale, described such securities for a consideration received or to be received, directly or indirectly from an issuer, without fully disclosing such consideration and the amount thereof in violation of Section 17(b) of the Securities Act [15 U.S.C. § 77q(b)].

V.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendants and Defendants' agents, servants, employees, and all persons acting in concert with them are enjoined and restrained from, directly or indirectly: acting as a broker and making use of the means and instrumentalities of interstate commerce and of the mails to effect, induce, and attempt to induce the purchase and sale of securities without being registered with the Commission as a broker in accordance with Section 15(a)(1) of the Exchange Act and when no exemption from registration as a broker was available.

VI.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff's claim for civil penalties are dismissed with prejudice.

VII.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Consent is incorporated herein with the same force and effect as if fully set forth herein, and that Defendants shall comply with all of the undertakings and agreements set forth therein.

VIII.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court shall retain jurisdiction of this matter for the purposes of enforcing the terms of this Final Judgment.

IX.

There being no just reason for delay, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, the Clerk is ordered to enter this Final Judgment forthwith and without further notice.

Dated: 1/14, 2009


UNITED STATES DISTRICT JUDGE

Submitted By:

Approved As To Form:

s/ Elizabeth E. Krupa

Elizabeth E. Krupa
Counsel For Plaintiff
Securities and Exchange Commission
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Denver, Colorado 80202
303/844-1036

Robert H. Bretz
Counsel For Defendants
Robert H. Bretz, Esq.